2/3/71

Dear Mr. Hertig,

At 11:20 a.m. this morning I first saw the following items. Things I presume you mailed us. There was no covering letter and no postmark. However, because I had not had these exhibits, I had earlier executed an affidavit to attach to the papers I will file.

What I received is: Exhibit 1, 2 pp.; Exhibit 2, 1 p.; Exhibit 3, 15 pp.

The first two exhibits do not show the complete pages. I would appreciate full and unaltered copies of both as soon as possible. As we have only one incoming mail a day, so also do we have only one outgoing. I will take this into town to mail it so that it can reach you as soon as possible. There is no "special delivery" in this country, so the only way in which these can reach me at all promptly is by sending them promptly.

Your papers have many the notations eliminated by not sending me complete copies relevant. I should also like to be able to read these notations.

I am confident that your realize the serious prejudice this long delay in dumping so much to which I must respond imposes upon me. I will be impossible for me to make full response within the time I have, which, unfortunately, when I talked to you, you did not represent to be with any accuracy at all. In addition, the typing available to me is quite limited. The part of what I will file to which these exhibits relate is already typed and it will not be possible for me to get it edited and retyped. Your failure to provide these papers as you certified on January 13 and your failure to send them in answer to my first request left me no alternative within my capacities, time allowance and the very limited facilities I have. Together with the rather considerable extent of irrelevancies I will have to address, otherwise the Court will not be able to evaluate them, this means a considerable addition to the length of what I must file. In turn, this is more than just a problem for me. It means a burden upon the Court that cannot but be prejudicial to my interests. Furthermore, this makes repetitiousness inevitable. I cannot imagine a judge not finding this unwelcome or that you are and were unaware of it.

If, as now seems likely, my health will not indicate I should not drive to Washington, I will file what I have completed on the xxx last day I have. Otherwise, I will mail them. In either event, I will want an extension of time long enough to permit the retyping of what by then cannot be retyped. I presume you will join in asking this for me. The volume of work and the time I have do not permit any reorganization of what I will have drafted, but I hope to have everything drafted by then and, if you desire it as evidence of your faith on my part, I will bring it with me or send it to you--even permit you to Xerox it.

These pressures will make it impossible for me to make extra copies of those things you already have, but I will provide copies of anything you do not. If this is not satisfactory to you, please let me know.

Sincerely,

Harold Weisberg